

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

IN RE: )  
          ) Chapter 7  
J.T.'s Heating Oil, Inc., ) Case No. 14-41126-MSH  
          )  
          Debtor )  
          )  
\_\_\_\_\_)

MOTION FOR ORDER AUTHORIZING AND APPROVING  
PUBLIC SALE OF ESTATE ASSETS

To the Honorable Melvin S. Hoffman, Bankruptcy Judge:

Now comes John A. Burdick, Jr. the duly qualified and acting Trustee of the above-captioned Debtor and hereby moves, pursuant to Rule 6004 of the Bankruptcy Rules of Procedure and Local Rule 6004-1, for an order of this Court authorizing the Trustee to conduct an absolute public sale of the Debtors' assets, more specifically consisting of the following (hereinafter referred to as "the Assets"):

- a. 1987 International S Series 1954 oil delivery truck;
- b. 1981 International S Series 1954 oil delivery truck;
- c. 1988 International S Series 1954 oil delivery truck;
- d. 1998 Ford F700 oil delivery truck;
- e. 1994 Pontiac Grand Am SE;
- f. 1996 Ford Econoline Van Super E350;
- g. 1981 International 9670 Cabover Tractor;
- h. 1985 International Cab;
- i. Office equipment consisting of but not limited to chairs, file cabinets, and desks with upper storage;
- j. 2010 US General Tool Box system consisting of but not limited to lower wheeled boxes, upper boxes, center 7-drawer box and right side cabinet, and
- k. Miscellaneous inventory.

The sale will be free and clear of all liens and encumbrances pursuant to Section 363(b) and (f) of the Bankruptcy Code. Further, the Trustee seeks authority to conduct the sale pursuant to the proposed format set forth in the Notice of Intended Public Sale of Estate Assets (hereinafter "Notice") filed herewith.

In support of his Motion the Trustee states as follows:

1. The Trustee seeks to liquidate the Assets at public sale currently scheduled for December 2, 2014 at 12 Flint Road, Charlton, MA.
2. In order to generate an active bidding environment the Trustee seeks to conduct the sale as an absolute sale without the necessity of further Court action to confirm or approve the sale.
3. The Trustee seeks authority to sell the Assets free and clear of any and all liens and/or encumbrances pursuant to 11 U.S.C. Section 363(b) and (f), with any liens and/or encumbrances attaching to the proceeds of the sale, subject to any expenses of sale incurred by the estate and approved pursuant to 11 U.S.C. Section 506(c), to the extent that any such liens and/or encumbrances may ultimately prove to be valid and enforceable against the Trustee.
4. The Trustee believes that approval of the sale, as proposed, is in the best interest of the estate and its creditors in that the proposed method of sale will generate the most interest in the Assets and ultimately, will result in a greater return to the estate than other means of liquidating the Assets.
5. The Notice will be served on all creditors and parties in interest as may be ordered by the Court once the Court provides the appropriate information in said Notice.

WHEREFORE, the Trustee seeks an order of this Court:

1. Authorizing the Trustee to conduct an absolute public sale of the Assets free and clear of all liens and encumbrances pursuant to 11 U.S.C. Section 363(b) and (f), with any and all liens attaching to the proceeds of the sale, subject to any expenses of sale incurred by the estate and approved pursuant to 11 U.S.C. Section 506(c), to the extent that any such liens or encumbrances are ultimately provided to be valid and enforceable against the Trustee.
2. Authorizing the sale to be conducted pursuant to the format set forth in the Notice.
3. Granting such other and further relief as is just.

John A. Burdick, Jr.  
Chapter 7 Trustee  
By His Attorney

/s/ John A. Burdick, Jr.  
John A. Burdick, Jr. (bbo#547650)  
679 Pleasant Street  
Paxton, Massachusetts 01612  
(508) 752-4633  
[jburdicklaw@yahoo.com](mailto:jburdicklaw@yahoo.com)  
October 30, 2014

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

IN RE: \_\_\_\_\_ )  
                  ) Chapter 7  
J.T.'s Heating Oil, Inc.,     ) Case No. 14-41126-MSH  
                  )  
                  Debtor     )  
\_\_\_\_\_)

**NOTICE OF INTENDED PUBLIC SALE OF ESTATE ASSETS**

To Creditors and Parties in Interest:

Notice is hereby given, pursuant to 11 U.S.C. §363, Fed. R. Bankr. P. 2002(a)(2) and 6004, and MLBR Rule 2002-5 and 6004-1, that the Trustee, John A. Burdick, Jr., intends to sell at public sale the Trustee's right, title and interest in certain property of the estate, more specifically consisting of the following (hereinafter referred to as "the Assets"):

- a. 1987 International S Series 1954 oil delivery truck;
- b. 1981 International S Series 1954 oil delivery truck;
- c. 1988 International S Series 1954 oil delivery truck;
- d. 1998 Ford F700 oil delivery truck;
- e. 1994 Pontiac Grand Am SE;
- f. 1996 Ford Econoline Van Super E350;
- g. 1981 International 9670 Cabover Tractor;
- h. 1985 International Cab;
- i. Office equipment consisting of but not limited to chairs, file cabinets, and desks with upper storage;
- j. 2010 US General Tool Box system consisting of but not limited to lower wheeled boxes, upper boxes, center 7-drawer box and right side cabinet, and
- k. Miscellaneous inventory.

The sale will be conducted by Aaron Posnik & Co., Inc. on December 2, 2014 at 11:00 a.m.. The sale will take place at 12 Flint Road, Charlton, MA. The proposed sale procedures are more particularly described in the Trustee's Motion for Order Authorizing and Approving Public Sale of Estate Assets (the "Motion to Approve Sale").

The Assets will be sold free and clear of all liens, claims and encumbrances, with such valid liens, claims and encumbrances, if any, attaching to the net proceeds of the sale to the same extent and in the same order of priority as such liens, claims and encumbrances attached to the Assets.

Any objections to the sale shall be filed in writing with the Clerk's Office, United States Bankruptcy Court, Donohue Federal Building, 595 Main Street, Room 211, Worcester, Massachusetts 01608-2076 on or before \_\_\_\_\_ at 4:30 PM (the "Objection Deadline"). A copy of the objection must also be served upon the Trustee.

A hearing is scheduled to take place on \_\_\_\_\_ at \_\_\_\_\_ am/pm before the Honorable Melvin S. Hoffman, United States Bankruptcy Judge, Courtroom 3, 595 Main Street, Worcester, Massachusetts. If no objection to the sale are timely filed, the Bankruptcy Court, in its discretion, may cancel the scheduled hearing and grant the Motion.

John A. Burdick, Jr., Chapter 7 Trustee  
By His Attorney

/s/ John A. Burdick, Jr.  
John A. Burdick, Jr. (bbo#547650)  
Post Office Box 101  
Paxton, Massachusetts 01612  
(508) 752-4633  
[jburdicklaw@yahoo.com](mailto:jburdicklaw@yahoo.com)  
October 30, 2014

UNITED STATES BANKRUPTCY COURT  
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                  ) Chapter 7  
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                  )  
                  Debtor     )  
\_\_\_\_\_)

ORDER

At Worcester in said District this \_\_\_\_\_ day of \_\_\_\_\_, 2014;

This matter having come before me upon the Motion of John A. Burdick, Jr.,

Trustee seeking authority to sell the Debtor's assets, said assets consisting of:

- a. 1987 International S Series 1954 oil delivery truck;
- b. 1981 International S Series 1954 oil delivery truck;
- c. 1988 International S Series 1954 oil delivery truck;
- d. 1998 Ford F700 oil delivery truck;
- e. 1994 Pontiac Grand Am SE;
- f. 1996 Ford Econoline Van Super E350;
- g. 1981 International 9670 Cabover Tractor;
- h. 1985 International Cab;
- i. Office equipment consisting of but not limited to chairs, file cabinets, and desks with upper storage;
- j. 2010 US General Tool Box system consisting of but not limited to lower wheeled boxes, upper boxes, center 7-drawer box and right side cabinet, and
- k. Miscellaneous inventory.

(hereinafter "the Assets") free and clear of all liens and encumbrances pursuant to Sections 363(b) and (f) of the Bankruptcy Code, and further seeking authority to conduct the proposed sale pursuant to the format set forth in the Notice of Intended Sale filed with

the Trustee's Motion, Notice of the sale having been duly served pursuant to Rule 2002 of the Bankruptcy Rules of Procedure and good cause appearing therefore, it is hereby

**ORDERED:**

In accordance with the terms of the Trustee's Notice of Intended Sale filed herewith the Trustee is authorized to sell the Assets at a Public Auction on December 2, 2014, it is further

**ORDERED:**

The sale of the Assets shall be free and clear of any and all liens and encumbrances pursuant to 11 U.S.C. Section 363(b) and (f), with any and all liens attaching to the proceeds of the sale, subject to any expenses of sale incurred by the estate and approved pursuant to 11 U.S.C. Section 506(c), to the extent that any such liens or encumbrances are ultimately proved to be valid and enforceable against the Trustee, it is further

**ORDERED:**

If the sale is not completed by the Buyer, the Court, without further hearing, may approve the sale of the Assets to the next highest bidder, it is further

**ORDERED:**

The sale of the Assets has been conducted in good faith in accordance with 11 U.S.C. 363(m), it is further

**ORDERED:**

The Trustee is authorized to execute any and all documents necessary to effectuate the transfer of the Assets.

Dated:

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Melvin S. Hoffman  
Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

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          ) Chapter 7  
J.T.'s Heating Oil, Inc., ) Case No. 14-41126-MSH  
          )  
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\_\_\_\_\_

CERTIFICATE OF SERVICE

I, John A. Burdick, Jr., Esquire, hereby certify that on the 31<sup>st</sup> day of October, 2014, I forwarded a copy of the Motion for Order Authorizing and Approving Public Sale of Estate Assets and Notice of Intended Public Sale of Estate Assets by mailing first class, postage prepaid to the attached list of creditors and by ECF Notification to the following:

- Richard King USTPRegion01.WO.ECF@USDOJ.GOV
- Troy D. Morrison tmorrison@morrisonlawpc.net,  
morrisonlawpc@gmail.com;egoebel@morrisonlawpc.net
- David M. Nickless dnickless.nandp@verizon.net,  
dnickless@ecf.epiqsystems.com
- Tani E. Sapirstein tani@sandslaw.com

/s/ John A. Burdick, Jr.  
John A. Burdick, Jr., Esquire  
(BBO#547650)

**List of Creditors**

**Acadia Insurance**  
290 Donald Lynch Blvd., #3  
Marlborough, MA 01752

**Anne Haran**  
183 N. Sturbridge Road  
Charlton, MA 01507

**Barbara Benoit**  
22 Willard Road  
Sturbridge, MA 01566

**Bernadeta Rogalska**  
24 First Street, Apt. #3  
Webster, MA 01570

**Bob and Amy Andreola**  
29 Brookside Avenue  
Webster, MA 01570

**Brian Gunderman**  
Post Office Box 642  
Oxford, MA 01540

**Brian L. LaPlante**  
12 Flint Road  
Charlton, MA 01507

**Capital One Bank (USA), N.A.**  
PO Box 71083  
Charlotte, NC 28272-1083

**Capital One Bank USA**  
Post Office Box 30281  
Salt Lake City, UT 84130

**Charles Maclean**  
1 Stonybrook Road  
Charlton, MA 01507

**Consumer Assistance Office**  
209 West Central Street, Ste. 311  
Natick, MA 01760

**Country Bank For Savings**  
75 Main St  
Ware, MA 01082

**Dan Stevens**  
50 Haggerty Road  
Charlton, MA 01507

**Daniel and Jessica Kennedy**  
130 Rice Corner Road  
Brookfield, MA 01506

**Darlene Lieske**  
14 Tobin Drive  
Dudley, MA 01571

**David and Colette Roche**  
11 Summit Avenue  
Fiskdale, MA 01518

**Donald & Linda Clayton**  
290 North Sturbridge Road  
Charlton, MA 01507-1713

**Donald and Deborah Stone**  
26 Church Street  
Oxford, MA 01540

**Donald and Kathy Smith**  
4 Campbell Street  
Webster, MA 01570

**Donald and Linda Clayton**  
290 North Sturbridge Road  
Charlton, MA 01507

**Donna Belanger**  
Post Office Box 383  
Webster, MA 01570

**Gayle Longtin**  
16 Carey Lane  
Oxford, MA 01540

**Gwen Trudeau**  
102 Vista Lane  
Sturbridge, MA 01566

**Heather O'Henry**  
20 Five Bridge Road/Right  
Brimfield, MA 01010

**Jacqueline Castonguay**  
c/o Amber Harmon  
800 Lakeside Circle, Apt. 1017  
Lewisville, TX 75057

**Janet Hayward Rogers**

20 Bates Hill  
Fiskdale, MA 01518

**Janice O'Neill**  
306 Long Hill road  
West Brookfield, MA 01585

**Jason Hehlo**  
5 Laurelwood Drive  
North Oxford, MA 01537

**Jeana Kenney**  
229 West Main Street  
Dudley, MA 01571

**Kathleen Facteau**  
7 First Street  
Sturbridge, MA 01566

**Ken and Nancy Pecore**  
54 Gould Road  
Charlton, MA 01507

**Kim Toto**  
149 Elm Street, 1st Floor  
Southbridge, MA 01550

**L.E. Belcher**  
615 St. James Avenue  
Springfield, MA 01109

**Linda and John Sutliff**  
9 Quaboug Avenue, 2nd Floor  
Oxford, MA 01540

**Lisa Gaudette**  
84 Osgood Road  
Charlton, MA 01507

**Majke and Scott Ellis**  
86 Hilltop Drive  
Southbridge, MA 01550

**Malia Moriarty**  
300 North Woodstock Road  
Southbridge, MA 01550

**Mathieu Leone**  
4 Linda Vista Lane  
Dudley, MA 01571

**Natalie Blouin**  
15 Marshall Terrace  
Dudley, MA 01571

**Nitza Sanchez**  
84 Cross Street  
Southbridge, MA 01550

**Olga and Carmelo Maldonado**  
39 Idlewood Street  
Southbridge, MA 01550

**Patricia Berard**  
10 Warren Road  
Fiskdale, MA 01518

**Peggy Beaupre**  
233 Park Circle  
Sturbridge, MA 01566

**Regina Paradise**  
164 Lashaway Drive  
East Brookfield, MA 01515

**Robert Allard**  
76 Stallion Hill Road  
Sturbridge, MA 01566

**Robert Dixon**  
394 Main Street  
Oxford, MA 01540

**Russell Daniel**  
177 Juniper Avenue  
Sturbridge, MA 01566

**Scott Poplawski**  
306 School Street  
Webster, MA 01570

**Scott R Poplawski**  
306 School St  
Webster, MA 01570

**Seamus O'Henry**  
20 Five Bridge Road/Left  
Brimfield, MA 01010

**Supermedia**  
Post Office Box 619810  
Dallas, TX 75261

**Verizon**  
PO Box 1100  
Albany, NY 12250

**Verizon Wireless**  
20 Alexander Drive  
PO Box 5029  
Wallingford, CT 06492

**Wendi George**  
7 Tanglewood Road  
Leicester, MA 01524